

TERMINAL LEARNING OBJECTIVE

**Implement the Army's
Equal Opportunity (EO),
and Sexual Harassment
Policy.**

ELO A ACTIVITY

Discussion areas:

- **Equal Opportunity Program goals.**
- **Define the Cdr, EOA, and EOR responsibilities.**
- **Define the EO policy.**
- **EO complaint procedures.**
- **EO unit training.**

COMMANDER RESPONSIBILITIES

- **Personally responsible for EO climate.**
- **Develop and Implement EO programs.**
- **Act on complaints within 72 hrs.**
- **Identify unlawful discriminatory practices.**
- **Promote EO and interpersonal harmony.**
- **Conduct EO training.**
- **Monitor and assess EO execution.**
- **Publish/post EO policy.**

COMMANDER RESPONSIBILITIES (cont)

- **Co. level Cdrs will conduct unit climate assessment within 90 days (USAR, 180) and annually thereafter..**
- **Encourage soldiers to use chain of command.**
- **Take appropriate action on EO complaints.**
- **Take appropriate action on those that violate Army policy.**
- **Monitor EOR demographics.**

EOA RESPONSIBILITIES

- **Assist commander with Consideration of Others (CO2), EO, and Sexual Harassment (SH) programs.**
- **Recognize and assess EO/SH indicators.**
- **Recommend appropriate remedies.**
- **Assist with EO training.**

EOA RESPONSIBILITIES (cont)

- **Train unit Equal Opportunity Representatives.**
- **Receive, assist, review, advise and follow-up on EO complaints.**
- **Conduct staff assistance visits.**

EOR RESPONSIBILITIES

- **Assist Cdrs in recognizing detractors from healthy unit EO climate.**
- **Assist Cdr in conduct of climate assessment.**
- **Conduct of EO training.**
- **Maintain liaison with other EORs and Equal Opportunity Advisor (EOA) at higher headquarters.**
- **Assist Cdr in ethnic/special observances.**
- **Assist complainants by referring them to appropriate agency for assistance.**
- **Serves as resource person on EO matters.**

THE ARMY'S EQUAL OPPORTUNITY POLICY

- **Provide equal opportunity and fair treatment for military personnel, family members and DA civilians, without regard to race, color, gender, religion, or national origin, and provide an environment free from unlawful discrimination and offensive behavior.**

THE ARMY'S EO POLICY (CONT)

- **Applies both on and off post, during duty and non duty hours.**
- **Applies to working, living, and recreational environments (including both on and off- post housing).**

EO COMPLAINT PROCESS

- **Individual rights.**
 - **Present a complaint to the command.**
 - **Communicate with the commander when submitting a complaint.**
 - **Receive assistance when submitting a complaint.**
 - **Receive training on the Army's EO complaint and appeals process.**

EO COMPLAINT PROCESS (CONT)

- **Individual responsibility.**
 - **Advise the command of the specifics of sexual harassment and unlawful discrimination complaints.**
 - **Submit only legitimate complaints.**
- **Attempt to resolve a complaint by informing the offender that the behavior must stop.**

TYPES OF COMPLAINTS

Informal

Any complaint that a soldier or family member does not wish to file in writing.

- **Resolved by individual or with help from somebody else.**
- **Not subject to time constraints.**
- **Person working on resolution should file a MFR.**
- **Chain of command is not the only channel available to resolve a complaint.**

ALTERNATIVE AGENCIES

- **A higher echelon commander.**
- **Equal Opportunity Advisor (EOA).**
- **Inspector General (IG).**
- **Chaplain (CH).**
- **Provost Marshal (PM).**
- **Medical agency personnel.**
- **Staff Judge Advocate (SJA).**
- **Community Home finding Referral and Relocation Services (CHRRS).**

TYPES OF COMPLAINTS

Formal

A complaint filed by submitting a sworn statement using DA Form 7279-R (*Equal Opportunity Complaint Form*)

- **Part 1: Specifies alleged concern.**
- **Requested Remedy block serves a variety of purposes to the complainant and the command.**
- **File complaint within 60 days of alleged incident.**
- **File complaint with the commander at the lowest echelon of command.**

COMMANDER ACTIONS

- **Ensure that the complainant has been sworn to the complaint on DA Form 7279-R.**
- **Report formal complaints to General Courts-Martial Convening Authority (GCMCA) within 72 hours.**
- **Provide progress report to GCMCA within 20 days and 14 days thereafter until completed.**
- **Conduct investigation IAW AR 15-6.**
- **Implement a plan to protect all concerned. It will include meetings/discussions with:**
 - 1. Complainant**
 - 2. Perpetrator**
 - 3. Witnesses,****and selected members of chain of command.**

INVESTIGATION TIME LINES

- **Commander/investigation officer has 14 calendar days (3-weekend drills, RC) to conduct an investigation.**
- **A 30-day extension granted from the next higher command if circumstances require it.**
- **Additional extension approved by the first general officer in chain of command.**

APPEALS PROCESS

- **Present DA Form 7279-R, Part IV, within 7 calendar days (next multiple unit training activity (MUTA 4) drill period, RC).**
- **Commander has 3 calendar days (one MUTA 4) drill period, RC) to refer appeal to next higher command.**
- **Next higher commander has 14 days (3 MUTA 4 periods, RC) to review the case and provide written feedback on the results of the appeal.**
- **If not resolved at Bde level, the General Courts Martial Convening Authority then has final decision authority (Decision is final).**

MANDATORY EO TRAINING REQUIREMENTS

- **Conduct EO/sexual harassment training quarterly.**
- **Document training on training schedule and lead the training.**
- **Must include type, length, and issues covered.**
- **Issues must be of local or Army wide importance.**
- **Two quarters will consist of prevention of sexual harassment training.**

ELO B ACTIVITY

- 1. Chain of command responsibilities.**
- 2. Sexual Harassment policy.**
- 3. Definition.**
- 4. Categories of sexual harassment.**
- 5. Types of sexual harassment.**
- 6. Techniques of dealing with sexual harassment.**
- 7. Training.**

CHAIN OF COMMAND SEXUAL HARASSMENT RESPONSIBILITIES

- **Ensure personnel are familiar with Army policy on sexual harassment.**
- **Publish/post command policy statements.**
- **Assess the unit's command climate regarding sexual harassment.**
- **Set the standard.**

DEFINITION OF SEXUAL HARASSMENT

A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission or rejection:

- Makes it a term for a person's job, pay or career.**
- Used as basis for career/employment decisions affecting that person.**
- Creates an intimidating, hostile or offensive working environment.**

SEXUAL HARASSMENT CATEGORIES

- **Verbal comments.**
- **Nonverbal gestures.**
- **Physical contact.**

QUID PRO QUO

- **Latin term meaning, “This for that.”**
- **Conditions placed upon a person’s career or terms of employment in return for sexual favors.**
- **Promises of career advancement, promotions, and other benefits, should the victim give in to the sexual advances.**

HOSTILE ENVIRONMENT

**OCCURS WHEN SOLDIERS OR CIVILIANS ARE
SUBJECTED TO:**

- **Offensive**
- **Unwanted**
- **Unsolicited**

**Comments and/or behaviors of a sexual
nature.**

BEHAVIOR ASSESSMENT ELEMENTS

- **Impact vs. Intent**
Behavior evaluated on its appropriateness as perceived by the recipient.
- **Reasonable person standard**
Used to predict the expected reaction to
or impact of perceived offensive behaviors on the recipient.

DEALING WITH SEXUAL HARASSMENT TECHNIQUES

- **Direct approach.**
- **Indirect approach.**
- **Third party.**
- **Chain of command.**
- **File a formal complaint.**

ADMINISTRATIVE ACTIONS

- **Mandatory training.**
- **Additional training.**
- **Denial of certain privileges.**
- **Rehabilitative transfer.**
- **Relief for cause.**
- **Adverse performance evaluation.**
- **Bar to reenlistment.**
- **Separation.**

ELO C ACTIVITY

- **Group 1, Extremist organizations.**
- **Group 2, Army Language and soldier relationships.**
- **Group 3, Homosexual conduct policy and hazing.**

ACTIONS PROHIBITED IN SUPPORT OF EXTREMIST ORGANIZATIONS

- **Participating in public demonstrations.**
- **Attending a meeting that involves an extremist cause.**
- **Participating in fund raising activities.**
- **Recruiting or training members.**
- **Creating, organizing, taking leadership role in an organization or activity.**
- **Distributing literature on or off post.**

EXTREMIST GROUP IDEOLOGIES

- **Identity (Creationism) ideology.**
- **White supremacy ideology.**
- **Patriotism-survival ideology.**

WHAT DID CONGRESS SAY

- **Engaging in, attempting to engage in, or soliciting another to engage in homosexual acts is grounds of discharge from the Army.**
- **Military persons that demonstrate a propensity to engage in homosexual acts creates an unacceptable risk to morale, good order, and discipline and unit cohesion.**
- **The long standing element of military law that prohibits homosexual conduct continues to be necessary in the circumstances of military service.**

NOT CREDIBLE EVIDENCE

- **Rumors that a soldier is homosexual.**
- **Other's opinion that a soldier is homosexual.**
- **Going to a homosexual bar, reading homosexual publications.**
- **Associating with known homosexuals or marching in homosexual rights rally in civilian clothes.**
- **Reporting threats or accusations of being homosexual.**

CREDIBLE EVIDENCE

- **A statement by a reliable person that the soldier engaged in a homosexual act, heard the soldier state that he or she was homosexual or that the soldier had married or attempted to marry a member of the same sex.**
- **A statement by a reliable person that they observed a soldier saying or writing a statement acknowledging a homosexual act or intent to engage in a homosexual act.**

HAZING INCLUDES:

- **Rite of passage.**
- **Physically striking another to inflict pain.**
- **Piercing another's skin.**
- **Forcing consumption of excessive amounts of food, alcohol, drugs, or other substances.**
- **Encouraging participation in illegal acts.**
- **Soliciting another to participate in an act that constitutes a hazing activity.**

AUTHORIZED ACTIVITIES

- **Physical/mental hardships associated with operations or operational training.**
- **Administrative corrective measures.**
- **Extra military instruction or training.**
- **Physical training or remedial physical training.**
- **Other similar activities.**